IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 29932 of 2003(L)

PETITIONERS:
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1. K.C.JOSEPH S/O.CHEEKU, KUNNAPILLY
PANAMBUKAD, ERNAKULAM.

2. P.J.DEVASSY S/O. JOSEPH, PAREDATH,
PANAMBUKAD, ERNAKULAM.

3. A.V.JOSEPH S/O. VARGHESE,
ADUVAKKAD, PANAMBUKAD, ERNAKULAM.

4. K.L.VINCIENT S/O. LONAN,
KUNNAPILLY, PANAMBUKAD, ERNAKULAM.

5. ANTONY S/O. VAKKO, AJATTUPARAMBU,
PANAMBUKAD, ERNAKULAM.

6. K.C.ANTONY S/O. CHACKO,
AJATTUPARAMBU, PANAMBUKAD, ERNAKULAM.

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENTS:
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1. MULAVUKAD PANCHAYAT, REPRESENTED BY
ITS SECRETARY, PANAMBUKAD, ERNAKULAM.

2. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, LOCAL ADMINISTRATION DEPARTMENT,
THIRUVANANTHAPURAM.

3. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY, MINISTRY OF ENVIRONMENT AND FORESTORY,
PRARYAVAN BHAVAN, CGO COMPLEX, LODHI ROAD,
NEW DELHI

BY ADV. SMT.BINDU K NAIR - ACGSC
R2 BY GOVERNMENT PLEADER MR.BASANT BALAJI
SRI.A.SUDHI VASUDEVAN, ADDL.CGSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.29932 OF 2003-L

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE NOTIFICATION ISSUED BY 2ND RESPONDENT DATED 15.12.1990.

EXT.P2 TRUE COPY OF THE FINAL NOTIFICATION DATED 19.2.1991.

EXT.P3 TRUE COPY OF THE ORDER IN IA NO.3838/2003 IN W.P.(C) NO.18038/2003 DATED 11.6.2003.

EXT.P4 TRUE COPY OF THE INTERIM ORDER IN W.P.(C) NO.21746/2003 DATED 9.7.2003.

/ TRUE COPY /

KURIAN JOSEPH, J.

W.P.(C) No. 29932 of 2003

Dated this the 16th day of March, 2007.

JUDGMENT

This writ petition is filed with the following prayers:

"(1) issue a writ or order and declare that the non-inclusion of Mulavukad and other islands in the State of Kerala in the CRZ IV category to be contrary to Ext.P2 notification and thus violative of Article 14 of the Constitution of India.

(2) issue a writ of mandamus, any other order, writ or direction, directing the 2nd respondent and its Authority to modify the Coastal Zone Management Plan of the State of Kerala by identifying Mulavukad and other islands in the State, and to include them in CRZ IV category for being preferred before the 3rd respondent for approval within a time frame manner.

(3) issue a writ of mandamus, any other order, writ or direction, directing the 3rd respondent to pass necessary appropriate orders, approving the Coastal Zone Management Plan of the State after inclusion of islands in the State of Kerala under CRZ IV category.

(4) issue a writ of mandamus, any other order, writ or direction, directing the 1st respondent to pass appropriate final orders and to regularize the construction made by these petitioners supported by the amended Coastal Zone Management Plan submitted and approved as prayed for in relief 2 and 3."

2. It is seen that in the common judgment dated 16.12.2005 in O.P.No.34231 of 2002 and connected cases certain directions have been issued to the Government of India in the matter of

modification/amendment of the management plan with liberty to the petitioners therein to make appropriate representations. It is made clear that the petitioners herein also will be entitled to the same reliefs granted in the judgment referred to above. A copy of the judgment referred to above will be appended to this judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE

vns.